

# United States District Court

for the  
Western District of New York

United States of America

v.

Case No. 25-MJ-564

**MARLENY AGUASVIVAS,**

*Defendants.*

## CRIMINAL COMPLAINT

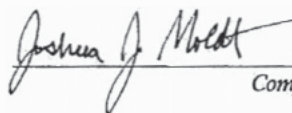
I, JOSHUA J. MOLDT, the complainant in this case, state that the following is true to the best of my knowledge and belief.

The defendant, on or about March 20, 2025, in the City of Rochester, County of Monroe, Western District of New York, violated Title 18, United States Code, Section 2113(a) by robbing the ESL Federal Credit Union branch located at 215 Merchants Road, Rochester, New York.

This Criminal Complaint is based on these facts:

SEE ATTACHED AFFIDAVIT OF JOSHUA J. MOLDT, SPECIAL AGENT FBI

☒ Continued on the attached sheet.



Complainant's signature

JOSHUA J. MOLDT, SA FBI

Printed name and title

Affidavit submitted electronically by email in .pdf format.  
Oath administered, and contents and signature, attested  
to me telephonically pursuant to Fed. R. Crim. P. 4.1 and  
4 (d) on May 7, 2025.



Judge's signature

HONORABLE MARK W. PEDERSEN  
UNITED STATES MAGISTRATE JUDGE

Printed name and title

City and State: Rochester, New York

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

25-MJ-564

-v-

MARLENY AGUASVIVAS

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State of New York     )  
County of Monroe    ) SS:  
City of Rochester    )

**AFFIDAVIT IN SUPPORT OF A CRIMINAL COMPLAINT**

I, **Joshua J. Moldt**, being duly sworn, depose and state that:

**INTRODUCTION**

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) assigned to the Rochester, New York Resident Agency. I have been employed as an FBI Special Agent for over eight years. As part of my professional experience, I have participated in investigations involving gangs, bank robberies, Hobbs Act robberies, fugitives, illegal drug trafficking, and national security matters. As an FBI Special Agent, I am charged with the duty of investigating violations of the laws of the United States, collecting evidence in cases in which the United States is or may be a party in interest, and performing other duties imposed by law.

2. This affidavit is submitted in support of a criminal complaint against MARLENY AGUASVIVAS for the violation of Title 18, United States Code, Section 2113(a) (bank robbery), committed on or about March 20, 2025. The FBI Rochester Area

Major Crimes Task Force (RAMCTF), in conjunction with local law enforcement authorities, has been investigating the March 20, 2025 bank robbery that occurred at the ESL Federal Credit Union located at 215 Merchants Road, Rochester, New York, in the Western District of New York. Through that investigation, MARLENY AGUASVIVAS, was identified as a suspect. AGUASVIVAS' involvement in this robbery is further detailed herein.

3. I am fully familiar with the facts set forth herein based on my own investigative efforts, conversations with other law enforcement officers, and review of reports, documents, and other items of evidence. When I use the word 'investigators' herein, I am referring to various law enforcement officers, at times including your affiant, involved in the investigation of the criminal incident or incidents at hand. Because this affidavit is being submitted for a limited purpose, I have not included each and every fact I know concerning this investigation. Rather, I have set forth only those facts that demonstrate probable cause to believe the defendant committed the above-mentioned offense. Where statements of others are related herein, they are related in substance and in part. Where I assert that an event took place on a particular date, I am asserting that it took place on or about the date alleged. Where I assert that an event occurred at a particular time, I am asserting that it took place at or about that time. Furthermore, explanations in parentheses are based upon my knowledge and experience, the knowledge, training, and experience of law enforcement agents and officers with whom I have spoken, and the results of the investigation to date. Based on the facts set forth below, there is probable cause to believe that on or about March 20, 2025, in the City of Rochester, Western District of New York, MARLENY AGUASVIVAS violated Title 18, United States Code, Section 2113 (a) (bank robbery) by robbing the ESL Federal Credit Union located at 215 Merchants Road, Rochester, New York. In support thereof, I respectfully state

the following:

**PROBABLE CAUSE**

4. On March 20, 2025, at or about 1:20 PM, the ESL Federal Credit Union (ESL or victim ESL) located at 215 Merchants Road, Rochester, New York was robbed by an unknown individual. Members of the Rochester Police Department (RPD) and the RAMCTF responded to investigate the robbery. The investigation revealed that on this date a female suspect entered the ESL and proceeded to a check writing station for customers. There, she spent several minutes appearing to write before eventually approaching the teller counter. According to the victim-teller, the suspect then displayed a note, which, in sum and substance, demanded \$5000 from the machine employees refer to as a cash-recycler, claimed to have a gun, and demanded no dye pack be given. The victim-teller complied with the demand and withdrew \$5000 from the cash-recycler and provided same to the suspect. After obtaining the money and taking the demand note with her, the suspect fled the bank on foot westbound on East Main Street. The suspect was described as a white female, approximately 5'7" tall, approximately 250lbs, with brown eyes. Security camera footage from ESL revealed the suspect was wearing black and white Nike shoes, black pants with a flare above the ankle, a black jacket underneath a grey hooded jacket with the hood up, and a light blue medical mask.

5. An ESL report confirmed the victim-teller had withdrawn exactly \$5000 from the cash recycler before passing the cash to the suspect.

6. Investigators reviewing security camera footage made the following observations of the suspect's movements prior to committing the robbery, working backward from the incident:



- a. Security camera footage from the ESL determined the suspect had approached the building on foot from across a parking lot, where she had been inside the Dollar Tree located at 2300 East Main Street, Rochester, New York.
- b. Security camera footage from the ESL also showed the suspect had approached the Dollar Tree on foot from East Main Street, and appeared to have walked from the vicinity of the Summit Federal Credit Union (Summit), located on the opposite side of East Main Street at 2315 East Main Street, Rochester, New York.
- c. Security camera footage from Summit showed the suspect had approached on foot, having cut through the park, known as Linear Garden, behind Summit, located between East Main Street and Mayfield Street.
- d. Security camera footage from on or about the corner of Mayfield Street and Winton Road showed the suspect had walked eastbound on Mayfield street before entering Linear Garden on foot toward East Main Street.

7. Investigators spoke to an employee inside the Dollar Tree who confirmed the suspect had entered the store and asked if the store sold gloves. The suspect was told the store did not sell gloves and departed without making a purchase. Though the suspect was wearing the medical mask while inside the Dollar Tree, the employee described the suspect as a white, possibly Hispanic, female.

8. Investigators reviewing security camera footage made the following observations of the suspect's movements after committing the robbery:

- a. Security camera footage from the ESL showed the suspect fled on foot across

East Main Street, westbound on East Main Street, and turned south after passing in front of Summit.

- b. Security camera footage from Summit showed the suspect walked back through Linear Garden toward Mayfield Street.
- c. Security camera footage from on or about the corner of Mayfield Street and Winton Road showed the suspect walked through Linear Garden to Mayfield Street and then westbound on Mayfield Street. As she walked through Linear Garden, she appeared to take off the grey hooded jacket and carry it.

9. As the investigation continued, on or about March 26, 2025, an employee of ESL made investigators aware of a former ESL employee who had recently been fired. She had worked at the ESL located at 225 Chestnut Street in Rochester, New York, approximately three miles away from the Merchants Road location, and she fit the description of the suspect. Her name was MARLENY AGUASVIVAS.

10. A review of publicly available records and law enforcement records revealed AGUASVIVAS had address records in the vicinity of the victim ESL branch on Merchants Road. It was further determined she had no vehicle registered in her name. However, a person whose initials are A.A. had an orange 2007 Dodge Nitro, with New York registration LPT4499, registered to him on or about January 27, 2025. The investigation has revealed A.A. is AGUASVIVAS' partner.

11. A further review of ESL security camera footage from March 20, 2025, showed an orange vehicle, which appeared to be a 2007 Dodge Nitro, drove past the victim ESL headed eastbound on East Main Street approximately seventeen minutes before the suspect was observed walking across East Main Street toward the Dollar Tree. ESL security camera

footage, at approximately four minutes after the first pass, appeared to depict what looked to be the same orange Dodge Nitro driving past the victim ESL, again heading eastbound on East Main Street. The second time the Nitro passed was approximately thirteen minutes prior to when the suspect was observed walking across East Main Street toward the Dollar Tree. A further review of security camera footage from on or about the corner of Mayfield Street and Winton Road showed the orange Dodge Nitro driving eastbound on Mayfield Street at approximately 1:03 PM. The security footage also showed the vehicle turn north on Winton Road and then turn west on East Main Street.

12. Record checks revealed 4575 Lake Avenue, Rochester, New York to be a possible address of AGUASVIVAS.

13. On March 27, 2025, investigators located the orange Dodge Nitro, bearing New York registration LPT4499 and which was registered to A.A., parked in the back parking lot of 4575 Lake Avenue.

14. A review of security camera footage taken at 4575 Lake Avenue from the morning of March 20, 2025, the same day of the ESL robbery, revealed an individual who appeared to be AGUASVIVAS departing the second floor of the building alone that morning. She was wearing what appeared to be black pants that flared above the ankle and a black ribbed, puffy jacket, each appearing to match some of the clothing worn by the ESL robbery suspect the same day. Her black shoes did not match what was worn by the suspect at the time of the robbery and she was not wearing the large grey hooded jacket worn by the suspect. She carried a red/brown satchel style bag or purse over her right shoulder. The video footage depicted her walking to the above-described orange Dodge Nitro, entering the driver seat, and departing the parking lot at approximately 8:00 AM. The same security camera footage



showed that the orange Dodge Nitro returning to the parking lot at approximately 4:20 PM with the individual who appeared to be AGUASVIVAS, as well as another unknown individual, appearing to be a minor child, who was wearing a backpack. The security video depicted the two returning to the second floor of 4575 Lake Avenue.

15. On March 31, 2025, investigators interviewed MARLENY AGUASVIVAS in the parking lot of 4575 Lake Avenue. During the interview AGUASVIVAS initially denied committing the March 20, 2025, ESL robbery. However, AGUASVIVAS ultimately admitted, in sum and substance, to committing the robbery because of financial hardship and that she took \$5,000.

16. Law enforcement transported AGUASVIVAS to the Public Safety Building for further interview and placed her inside an interview room. An investigator advised AGUASVIVAS of her Miranda rights and AGUASVIVAS acknowledged comprehension and waived them. During the interview which followed, AGUASVIVAS detailed the robbery to investigators. In sum and substance, she admitted she had driven the orange Dodge Nitro to the area. AGUASVIVAS admitted she went to a dollar store and bought a surgical mask before the robbery and that she parked near the bank and walked. AGUASVIVAS also admitted to writing the note while inside the bank. The note demanded \$5,000 from the machine, claimed AGUASVIVAS had a gun, and claimed there were more people outside the bank (suggesting she had others supporting her during the robbery). AGUASVIVAS said the teller provided her with money and she left the bank and walked back to her car, which had been parked on Mayfield Street. She spent the money on rent, insurance, a debt owed to her aunt, a cell phone, and groceries. AGUASVIVAS said she had about \$1,100 left from the robbery proceeds; \$100 was in her purse, and the remaining



\$1000 was in a purse in her apartment. AGUASVIVAS said the Nike sneakers were in the Nitro and that she also wore a black jacket, black pants, and her husband's raincoat. She said she went into the Dollar Tree store before the robbery to buy gloves, but the store did not have any. She said she was by herself the entire time.

17. On March 31, 2025, members of the RPD and RAMCTF executed search warrants signed by Hon. Michael L. Dollinger, Monroe County Court, State of New York. A search of the orange Dodge Nitro registered to A.A. located, among other items seized or documented, black and white Nike shoes and a black ribbed, puffy jacket, both of which appeared to match those worn by the ESL robbery suspect.

18. On the same date, law enforcement also searched 4575 Lake Avenue, apartment 212, which the investigation determined was a potential address for AGUASVIVAS. During the search, law enforcement located, among other items, a receipt for a cash deposit of \$600 to a Chase bank account and a grey hooded jacket that appeared to match the one worn by the ESL robbery suspect over top of the black ribbed, puffy jacket. Law enforcement did not find the \$1,000.

19. On March 31, 2025, investigators went to the Family Dollar Store located at 175 Winton Road in Rochester, New York. The location is approximately one mile from the ESL located at 215 Merchants Road, Rochester, New York. While there, investigators spoke with a manager of the location, a person whose initials are C.K. C.K. assisted investigators in reviewing security camera footage appearing to depict AGUASVIVAS entering the Family Dollar on or about March 20, 2025, at approximately 12:47 P.M. The security camera footage depicted AGUAVIVAS approaching C.K., engaging in conversation, and walking further inside the store before returning to the checkout with a small package.

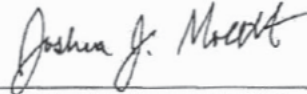
The security camera footage appeared to show AGUASVIVAS pay the clerk using cash and then depart the store at approximately 12:52 PM, approximately 28 minutes prior to the robbery. The video footage depicted AGUASVIVAS wearing pants and a puffy jacket, which appeared to match those worn during the robbery. CK provided investigators a copy of a receipt for the transaction that matched the security camera timestamp of the purchase. The receipt detailed a cash purchase of a two-count package of blue medical facemasks. CK showed investigators the product on the store shelf. The product appeared to match the mask worn by the person committing the robbery described in this affidavit.

20. A review of RPD blue light camera footage showed the orange Dodge Nitro enter and later exit the parking lot of the Family Dollar on March 20, 2025. The timing appears to approximately align with the time at which AGUASVIVAS was seen on camera inside the store purchasing the medical masks.

21. At the time of the robbery on March 20, 2025, the ESL located at 215 Merchants Road, Rochester, New York, was a Federal Credit Union insured by the National Credit Union Administration and thus a Credit Union as that term is defined in Title 18, United States Code, Section 2113(g).

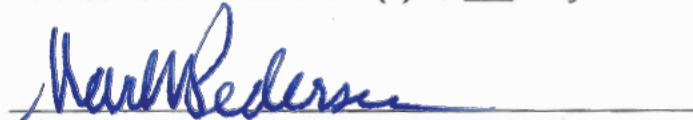
CONCLUSION

22. Based upon the above information, I submit there is probable cause to believe that on or about March 20, 2025, MARLENY AGUASVIVAS violated Title 18, United States Code, Section 2113 (a) (bank robbery) by robbing the ESL Federal Credit Union located at 215 Merchants Road, Rochester, New York.



JOSHUA J. MOLDT  
Special Agent  
Federal Bureau of Investigation

Affidavit submitted electronically by email in .pdf format. Oath administered, and contents and signature, attested to me telephonically pursuant to Fed. R. Crim. P. 4.1 and 4 (d) on 7 May 2025.



HONORABLE MARK W. PEDERSEN  
United States Magistrate Judge